

Notice of Allowability	Application No.	Applicant(s)	
	10/766,507	KINNEY ET AL.	
	Examiner	Art Unit	
Son T. Nguyen	3643		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amendment filed on 9/29/05.
2. The allowed claim(s) is/are 1-16.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

Son T. Nguyen
Primary Examiner
AU 3643

DETAILED ACTION

Allowable Subject Matter

1. Claims 10-12, which have been withdrawn due to a restriction, are now considered due to allowance of generic claim 1. Therefore, **claims 1-16** are allowed.
2. The following is an examiner's statement of reasons for allowance: the prior art of record fails to disclose a horseshoe as claimed in detail, especially the calks having the shape as described. As Applicant stated, "Benfield's calks on the side walls of the horseshoe present a similar shape and approximately the same working sectional area whether they are viewed or presented from the anterior side or the posterior side of the horseshoe. As such, the "calks" taught in Benfield which are called spikes in the Benfield specification, would provide substantially the same friction, drag and traction forces whether the horseshoe was moving forward or backwards or tending to slide forwards or backwards and would then perform the same resistance against the ground support surface. The horseshoe and plurality of calks defined in the independent claims of the present application have a rounded leading end, and expand rearwardly, and then have a grab surface or a transverse surface at the rear so that there is a substantially lesser friction, drag and traction forces during the "braking" or planting phase of the gate cycle. Accordingly, as the horse's foot strikes the ground support surface, it will tend to slide much more than it does during the propulsive phase where the rear grab ramp surface or transverse surface will provide a resistance surface to slipping and will permit greater traction and propulsive forces to be developed. Thus the present invention permits the horseshoe to slide forward slightly during the braking

phase of the gait thus reducing the shock loading experienced by the horse and also avoiding an unnatural sudden braking action that can result in soreness and injury. The structure shown and claimed in the present application is also formed and positioned to generate larger friction, drag and traction forces during the propulsive phase of the horse's hoof as it is driven rearwardly (or as the horse moved forward). Thus, it is respectfully submitted that the horseshoe structure defined in the independent claims in this case are not taught nor the functional equivalent of that taught in Benfield."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Son T. Nguyen
Primary Examiner
Art Unit 3643

stn